

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

GEORGE CLINE,
Plaintiff,

v.

CALPINE OPERATING SERVICES
COMPANY, INC.,
Defendant.

Case No. 22-cv-07031-RS (RMI)

**ORDER ON MOTION TO COMPEL
INDEPENDENT MEDICAL
EXAMINATION**

Re: Dkt. No. 69

Now pending before the court is Defendant's Motion to Compel an Independent Medical Examination of Plaintiff (dkt. 69). Plaintiff has opposed the Motion (dkt. 73). Defendant moves to compel Plaintiff's attendance at an independent medical examination ("IME") pursuant to Rule 35, because Plaintiff's physical condition is in controversy and there is good cause. Defendant properly specified the parameters of the requested IME in its motion. Plaintiff agrees that an IME would be appropriate in this case but argues that Defendant did not properly notice the IME before the close of discovery. Both Defendant and Plaintiff indicate that Defendant discussed scheduling the IME with Plaintiff prior to the discovery cutoff, but no agreement was reached as Plaintiff wanted Defendant to agree to continue the trial date in exchange for the IME.

Defendant has shown that good cause exists for the examination as Plaintiff's physical condition is central to the case and a review of the medical records is insufficient for its expert evaluation. Plaintiff has not shown why Defendant's refusal to stipulate to a continuance of the trial date should prevent Defendant from conducting an IME of Plaintiff. Defendant attempted to schedule the examination prior to the discovery deadline and was unable to conduct the exam because of Plaintiff's noncooperation—thus, the passing of the discovery cutoff should not

preclude Defendant from performing an IME. For the foregoing reasons, and for good cause appearing, the court **GRANTS** Defendant's Motion to Compel. Plaintiff shall appear for an independent medical examination conducted by Defendant's expert as specified in the Motion on a mutually agreeable date within thirty (30) days of the entry of this Order.

IT IS SO ORDERED.

Dated: December 18, 2025



ROBERT M. ILLMAN
United States Magistrate Judge

United States District Court
Northern District of California